

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Nicole Daniels,

Plaintiff,

Case No. 22-cv-10203

v.

Judith E. Levy

United States District Judge

Delta Air Lines, Inc., *et al.*,

Mag. Judge Elizabeth A. Stafford

Defendants.

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**ORDER VACATING ORDER TO SHOW CAUSE  
WITHOUT PREJUDICE [20]**

On September 14, 2022, the Court ordered Plaintiff Nicole Daniels to show cause because Plaintiff's allegations in her second amended complaint are insufficient to show that diversity jurisdiction exists, given that her allegations do not demonstrate complete diversity between the parties.<sup>1</sup> (ECF No. 20.) Plaintiff responded on September 23, 2022. (ECF No. 22.)

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<sup>1</sup> The Court ordered Plaintiff to show cause "why this case should not be dismissed for lack of subject matter jurisdiction." (ECF No. 20, PageID.138.) This case was removed to this Court from Wayne County Circuit Court (ECF No. 1), and Plaintiff correctly notes in her response to the show cause order that "[i]f a jurisdictional defect exists in this case, the proper result would not be to dismiss it,

In her response to the show cause order, Plaintiff indicates that she is a citizen of Michigan; Defendant Delta Air Lines, Inc. is a citizen of Delaware and Georgia; and Defendant Skywest Airlines, Inc. is a citizen of Utah. (*Id.* at PageID.144–145, 147–150.) With respect to Defendant Unifi Aviation, LLC, Plaintiff states that it is a limited liability company incorporated in Delaware; “[h]owever, to Plaintiff’s knowledge there is no publicly available information regarding the identity of Unifi’s members, and therefore no information regarding the citizenship of those members. Thus, Plaintiff lacks information to make any averments regarding the citizenship of Unifi’s members.” (*Id.* at PageID.145.)

Plaintiff states in her response that

to promote judicial economy and avoid the possibility of re-removal if Unifi has no members or sub-members that are citizens of Michigan, Plaintiff respectfully suggests that, as soon as Unifi appears in this matter, the Court issue an order directing Unifi to state the identity and citizenship of each of its members and sub-members. Unifi’s answer to that order would either establish subject matter jurisdiction in this Court, or compel remand of the case to Wayne County.

(*Id.* at PageID.145–146; *see id.* at PageID.151–152.)

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but rather to remand it to Wayne County.” (ECF No. 22, PageID.145 (emphasis in original).)

When Unifi appears in the case,<sup>2</sup> the Court intends to direct it to identify the citizenship of each of its members, as Plaintiff suggests. The Court will then make a final determination on the issue of subject matter jurisdiction based on the information provided by Plaintiff and Unifi regarding the citizenship of the parties.

Plaintiff has taken the appropriate action and has responded to the Court's show cause order with the information available to her. Accordingly, the Court's order to show cause has been satisfied to the extent possible and is vacated without prejudice.

IT IS SO ORDERED.

Dated: October 12, 2022  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 12, 2022.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager

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<sup>2</sup> On September 30, 2022, Plaintiff's counsel filed a certificate of service indicating that Unifi was served on September 23, 2022. (ECF No. 24.) As of the date of this order, Unifi has not filed an answer to the second amended complaint, and an attorney has not appeared on its behalf.